

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Organizational Sentencing Guidelines Bibliography



*United States Sentencing Commission
March 2001*

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

TABLE OF CONTENTS

TREATISES, ARTICLES, and MATERIALS	1
Primary Government Materials	1
General Interest and Background	1
Antitrust	4
Audit Related Compliance Issues	4
Business Ethics and Corporate Governance	5
Environmental	6
Food and Drug Administration	8
Foreign Corrupt Practices Act and International Compliance Efforts	8
Health Care	9
Labor and Employment	9
Measurement and Assessment	10
Privileges and Voluntary Disclosure	10
Utilities	11
REPORTS and SURVEYS	11
ETHICS and COMPLIANCE WEB SITES	12
Government	12
Associations/Consortiums/Member Organizations	13
University Programs and Institutes	13
International/Global	14
Not For Profit Organizations	15

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

TREATISES, ARTICLES, and MATERIALS*

Primary Government Materials

UNITED STATES SENTENCING COMMISSION, FEDERAL SENTENCING GUIDELINES, CHAPTER EIGHT—SENTENCING ORGANIZATIONS, at <http://www.ussc.gov/orgguide.htm>.

UNITED STATES SENTENCING COMMISSION, CORPORATE CRIME IN AMERICA: STRENGTHENING THE “GOOD CITIZEN” CORPORATION: PROCEEDING OF THE SECOND SYMPOSIUM ON CRIME AND PUNISHMENT IN THE UNITED STATES, at <http://www.ussc.gov/sympo/wcsympo.pdf>.

Memorandum from Deputy Attorney General Eric Holder, to All Component Heads and United States Attorneys, “Bringing Criminal Charges Against Corporations” (June 16, 1999), at <http://www.usdoj.gov/criminal/fraud/policy/Chargingcorps.html>

General Interest and Background

Cindy R. Alexander, et al., *Regulating Corporate Criminal Sanctions: Federal Guidelines and the Sentencing of Public Firms*, 42 J.L. & ECON. 393 (1999).

Cindy R. Alexander and Mark A. Cohen, *New Evidence on the Origins of Corporate Crime*, in 17 MANAGERIAL AND DECISION ECONOMICS 421 (1996).

Henry Amoroso, *The Federal Sentencing Guidelines Endorsement of Corporate-Level Restitution: Furtherance of Public Policy or Discrimination on the Base of Entity Capitalization?*, 18 CAMPBELL L. REV. 225 (1996).

David F., Axelrod, et al., *The Sentencing Guidelines for Organizations: Writing on a Clean Slate*, in WHITE COLLAR CRIME (ABA Ctr. for Continuing Leg. Educ. eds., 2000).

Michael L. Benson & Francis T. Cullen, COMBATING CORPORATE CRIME: LOCAL PROSECUTORS AT WORK (Northeastern University Press 1998).

* Some of the links provided in this document are Portable Document Files. “PDF” files are documents that can be printed and downloaded from websites using Adobe Acrobat Reader. To download a free copy of the latest version of Adobe Acrobat Reader, point your browser to <http://www.adobe.com/supportservice/custsupport/download.html>.

Note: Materials cited to “PLI/CORP” are available on Westlaw or at www.pli.edu.

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

H. Lowell Brown, *Vicarious Criminal Liability of Corporations for the Acts of Their Employees and Agents*, 41 LOY. L. REV. 279 (1995).

Pamela H. Bucy, *Corporate Sentencing: Some Critical Reflections on the Federal Corporate Sentencing Guidelines*, 71 WASH. U. L. Q. 397 (1993).

Pamela H. Bucy, *Corporate Ethos: A Standard for Imposing Corporate Criminal Liability*, 75 MINN. L. REV. 1095 (1991).

Cedric C. Chaa, et al., *Room for Flexibility In Sentencing Corporations: Good Corporate Citizenship May Mitigate Harsh Results Under Federal Sentencing Guidelines*, NAT'L L. J., Jan 16, 1995, C2.

Mark A. Cohen, *Theories of Punishment and Empirical Trends in Corporate Criminal Sanctions*, 17 MANAGERIAL AND DECISION ECON. 399 (1996).

COMPLIANCE PROGRAMS AND THE CORPORATE SENTENCING GUIDELINES: PREVENTING CRIMINAL AND CIVIL LIABILITY (Jeffrey M. Kaplan, et al. eds., Clark Boardman Callaghan, 1998).

CORPORATE CRIME: CONTEMPORARY DEBATES (Frank Pearce & Laureen Snider, eds., University of Toronto Press 1995).

CORPORATE SENTENCING GUIDELINES: COMPLIANCE AND MITIGATION (Jed S. Rakoff, et al. eds., Law Journal Seminar Press 1998).

Paula J. Desio, *Powerful or Powerless: Does Your Compliance Officer Make the Grade?*, 12 ETHIKOS 11 (1998).

Dawn-Marie Driscoll, et al., *Business Ethics and Compliance: What Management Is Doing and Why*, BUS. SOC'Y REV., 1999, at 35-51.

Beth Elliot-Dumler, *Will the Federal Sentencing Guidelines Force Employers to Violate the Law?*, 14 PREVENTIVE L. REP. 32 (1995).

Jay N. Fastow, *Step Two of the Sentencing Guidelines: Assign Overall Responsibility to Oversee Compliance to "High Level Personnel,"* 1057 PLI/CORP. 301 (1998).

Paul E. Fiorelli, *Fine Reductions Through Effective Ethics Programs*, 56 ALB. L. REV. 403 (1992).

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Lawrence Friedman, *In Defense of Corporate Criminal Liability*, 23 HARV. J.L. & PUB. POL'Y 833 (2000).

Richard S. Gruner, *How Compliance Program's Fail: Lessons from the Con Edison Probation Sentence*, 1177 PLI/CORP. 495 (2000).

RICHARD S. GRUNER, CORPORATE CRIMES AND SENTENCING (Bus. L., Inc., 2d ed. 1997).

Richard S. Gruner, *Towards an Organizational Jurisprudence: Transforming Corporate Criminal Law Through Federal Sentencing Reform*, 36 ARIZ. L. REV. 407 (1994).

Richard S. Gruner, *Just Punishment and Adequate Deterrence for Organizational Misconduct: Scaling Economic Penalties Under the New Corporate Sentencing Guidelines*, 66 SOUTHERN CALIF. L. REV. 225 (1992).

Kevin B. Huff, *The Role of Corporate Compliance Programs in Determining Corporate Criminal Liability: A Suggested Approach*, 96 COLUM. L. REV. 1252 (1996).

Kirk S. Jordan & Joseph E. Murphy, *Compliance Programs: What the Government Really Wants*, 1177 PLI/CORP. 529 (2000).

Molly E. Joseph, *Organizational Sentencing*, 35 AM. CRIM. L. REV. 1017 (1998).

DANIEL A. KILE, BUSINESS CONDUCT & ETHICS: HOW TO SET UP A SELF-GOVERNANCE PROGRAM (Bus. L. 1995).

Ilene H. Nagel & Winthrop M. Swenson, *The Federal Sentencing Guidelines for Corporations: Their Development, Theoretical Underpinnings, and Some Thoughts About Their Future*, 71 WASH. U. L.Q. 205 (1993).

Jeffrey S. Parker & Raymond A. Atkins, *Did the Corporate Criminal Sentencing Guidelines Matter? Some Preliminary Empirical Observations*, 42 J.L. & ECON. 423 (1999).

Charles H. Roistacher, *Federal Sentencing Guidelines and Organizational Defendants*, 41 FED. BUS. NEWS & J. 416 (1994).

Winthrop M. Swenson & Mary E. Didier, *The Federal Sentencing Guidelines: A Practical Overview of Their Background, Intent, and Implications*, in THE HEALTH CARE COMPLIANCE PROFESSIONAL'S MANUAL 3-2:1 (Roy Snell, et al., eds. 1999).

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Linda Klebe Trevino, et al., *Moral Person and Moral Manager: How Executives Develop a Reputation for Ethical Leadership*, 42 CALIF. MGMT. REV. 4 (2000).

Dan K. Webb & Steven F. Molo, *Some Practical Considerations in Developing Effective Compliance Programs: A Framework for Meeting the Requirements of The Sentencing Guidelines*, 375 WASH. U. L.Q. 71 (1993).

Herbert I. Zinn, *Nuclear Weapons Systems and Compliance Programs: What Is It That Makes Them So Scary?*, 943 PLI/CORP. 191 (1996).

Antitrust

Antitrust Division, Department of Justice, *Corporate Leniency Policy*, available at <http://www.usdoj.gov/atr/public/guidelines/lencorp.htm>.

Howard Adler, Jr., *Interview With Gary Spratling: Dramatic Changes in Criminal Antitrust Enforcement*, 5 BUS. CRIMES BULL.: COMPLIANCE & LITIG. 1 (1998).

Stephen Calkins, *Corporate Compliance and The Antitrust Agencies' Bi-modal Penalties*, 60 LAW & CONTEMP. PROBS. 127 (1997).

Richard S. Gruner, *Avoiding Fines through Offense Monitoring, Detection, and Disclosure: The Race for Amnesty*, *Advanced Corporate Compliance Workshop*, PLI/Corp. 77 (2001).

Gary R. Spratling, *The Corporate Leniency Policy: Answers to Recurring Questions*, 1 CORP. COMPLIANCE 325 (1999).

Audit Related Compliance Issues

Karen Boxer & Helaine Gregory, *Compliance is Good for your Corporate Health*, 1178_ PLI/CORP. 387 (1998).

Paul E. Fiorelli, *The Role of Internal Audit: COSO Control Standards Make Internal Auditors Natural Allies in Compliance and Ethics Efforts*, 7 Prevention of Corp. Liab. (BNA) 103 (October 10, 1999).

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

PAUL E. FIORELLI & CYNTHIA J. ROONEY, *THE FEDERAL SENTENCING GUIDELINES: GUIDELINES FOR INTERNAL AUDITORS* (Instit. of Internal Auditors Research Foundation 1996).

Peter A. Gish, *The Self-critical Analysis Privilege and Environmental Audit Reports*, 25 ENVTL. L. 73 (1995).

Charles R Lotter, et al., *Developing and Implementing a Compliance Program: Evaluating the Corporation's System of Internal Controls*, in CORPORATE COUNSEL'S GUIDE TO THE ORGANIZATIONAL SENTENCING GUIDELINES, (William A. Hancock ed., Bus. L., Inc. 1995).

Business Ethics and Corporate Governance

John Bray, *The High Road to Profits*, 44 SECURITY MGMT. 46 (2000).

Marshall Barron Clinard, *CORPORATE ETHICS & CRIME* (Sage Pubs., 1983).

John D. Copeland, *The Tyson Story: Building an Effective Ethics and Compliance Program*, 5 DRAKE J. AGRIC. L. 305 (2000).

CORPORATION ETHICS: THE QUEST FOR MORAL AUTHORITY (George Forell & William H. Lazareth eds., Fortress Press, 1980).

Charles A. De Monaco, *Governance Implications of the Bestfoods and CareMark Decisions on Compliance Programs*, 22 DIRECTOR'S MONTHLY (Nat'l Assoc. of Corp. Dirs., Wash., D.C., Dec. 1998).

Mary E. Didier & Winthrop M. Swenson, *Thou Shall Not Improperly Delegate Authority—Thoughts on the U.S. Sentencing Commission's "Step Three,"* 14 PREVENTIVE L. REP. 9 (1995).

THOMAS DONALDSON & PATRICIA WERHANE, *ETHICAL ISSUES IN BUSINESS: A PHILOSOPHICAL APPROACH* (Prentice Hall 1998).

Melvin A. Eisenberg, *Corporate Governance: The Board of Directors and Internal Control*, 19 CARDOZO L. REV. 237 (1997).

David B. Fein & Kevin Shea, *Covering Corporate Compliance What you can learn from the Organizational Sentencing Guidelines and Caremark*, NEW JERSEY L.J., Dec. 22, 1997, at 28.

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Paul E. Fiorelli, *Why Comply? Directors Face Heightened Personal Liability after Caremark*, 41 BUS. HORIZONS 4 (July 17, 1998).

EDWIN M. HARTMAN, *ORGANIZATIONAL ETHICS & THE GOOD LIFE* (Oxford University Press, 1996).

DANIEL A. KILE, *BUSINESS CONDUCT AND ETHICS: HOW TO SET UP A SELF-GOVERNANCE PROGRAM* (1995).

THE LEGITIMATE CORPORATION: ESSENTIAL READINGS IN BUSINESS ETHICS & CORPORATE GOVERNANCE (Brenda Sutton, ed., Blackwell Business 1993).

Environmental

United States Environmental Protection Agency, "Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations," *available at* <http://es.epa.gov/oeca/finalpolstate.pdf>.

Mark H. Allenbaugh, *What's Your Water Worth? Why We Need Federal Fine Guidelines For Corporate Environmental Crimes*, 48 Am. U. L. Rev. 925 (1999).

Jane Barrett, *Criminal Enforcement of Environmental Laws: Sentencing Environmental Crimes Under the United States Sentencing Guidelines -- A Sentencing Lottery*, 22 ENVTL. L. 1421 (1992).

Donald A. Carr & William L. Thomas, *Devising a Compliance Strategy Under the ISO 14,000 International Environmental Management Standards*, 15 PACE ENVTL. L. REV. 85 (1997).

Patrick J. Devine, *The Draft Organization Sentencing Guidelines for Environmental Crimes*, 20 COLUM. J. OF ENVTL. L. 249 (1995).

Paul E. Fiorelli & Cynthia J. Rooney, *The Environmental Sentencing Guidelines for Business Organizations: Are There Murky Waters in Their Future?*, 22 B.C. ENVTL. AFF. L. REV. 481 (1995).

Lisa Ann Harig, *Ignorance is not Bliss: Responsible Corporate Officers Convicted of Environmental Crimes and the Federal Sentencing Guidelines*, 42 DUKE L.J. 145 (1992).

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Martin Harrell, *Organizational Environmental Crime and The Sentencing Reform Act of 1984: Combining Fines With Restitution, Remedial Orders, Community Service, and Probation to Benefit the Environment While Punishing the Guilty*, 6 VILL. ENVTL. L.J. 243 (1995).

Robert L. Kracht, *A Critical Analysis of The Proposed Sentencing Guidelines for Organizations Convicted of Environmental Crimes*, 40 VILL. L. REV. 513 (1995).

Jason M. Lemkin, *Deterring Environmental Crime Through Flexible Sentencing: A Proposal for the New Organizational Environmental Sentencing Guidelines*, 84 CAL. L. REV. 307 (1996).

James R. Moore, “Cooperation” with the Government in the Context of Voluntary Disclosure of Potentially Criminal Environmental Violations: A Potential Minefield, CRIMINAL ENFORCEMENT OF ENVIRONMENTAL LAWS 1 (ALI-ABA, 1998).

Ronald A. Sarachan & Charles A. De Monaco, *U.S. Department of Justice: Factors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Disclosure Efforts by the Violators*, 1177 PLI/CORP. 739 (2000).

Donna Solen, *ISO 14000 Emerging International Environmental Law*, 10 FLA. J. INT’L L. 275 (1995).

Steven P. Solow, *Audit Privilege and Immunity Legislation and the Department of Justice Policy on Voluntary Disclosure*, CRIMINAL ENFORCEMENT OF ENVIRONMENTAL LAWS (ALI-ABA Course of Study, Washington, D.C.), Sept. 17-18, 1998, at 21.

Judson W. Starr & Gregory S. Braker, “Sentencing Guidelines for Corporate Environmental Crimes: Is It Fine Having No Fine Guidelines?,” SIXTH ANNUAL FEDERAL SENTENCING GUIDELINES SEMINAR (Fed. Bar Assoc., Clearwater Beach, Fla., Apr. 30-May 2, 1997).

Food and Drug Administration

Dana H. Freyer, *Corporate Compliance Programs for FDA-Regulated Companies: Incentives for Their Development and the Impact of the Federal Sentencing Guidelines for Organizations*, 51 FOOD & DRUG L.J. 225 (1996).

Foreign Corrupt Practices Act and International Compliance Efforts

Frank W. Blue, *A Challenge to Multinational Corporate Counsel: Foreign Corrupt Practices Act Compliance and the Federal Sentencing Guidelines*, 33 TEX. J. BUS. L. 2 (1996).

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Christopher F. Corr & Judd Lawler, *Damned If You Do, Damned If You Don't? The OECD Convention and the Globalization of Anti-Bribery Measures*, 32 VAND. J. TRANSNAT'L L. 1249 (1999).

RONALD FRANCIS, *ETHICS & CORPORATE GOVERNANCE: AN AUSTRALIAN HANDBOOK* (Univ. of New South Wales Press Ltd. 2000).

Barbara George, et al., *On the Threshold of the Adoption of Global Anti-bribery Legislation: A Critical Analysis of Current Domestic and International Efforts Toward The Reduction of Business Corruption*, 32 VAND. J. TRANSNAT'L L. 1 (1999).

Barry Ginsberg & Eric P. Salzman, *Managing Fraud and Illegal Act Risk in Foreign Countries*, 3 BUS. CRIMES BULL.: COMPLIANCE AND LITIG. 6 (1995).

Lucinda A. Law, *Transactional Corruption: New Rules for Old Temptations, New Players to Combat a Perennial Evil*, 92 AM. SOC'Y INT'L L. & PROC. 151 (1998).

Lucinda A. Low & Timothy P. Trenkle, *U.S. Anti-Bribery Law Goes Global*, 8 BUS. L. TODAY 14 (1999).

Joseph E. Murphy, *Reducing Foreign Corrupt Practices Act Risk: An Effective Self-Policing Program.*, 5 CORP. CONDUCT Q. 28 (1996).

Wendy C. Schmidt and J. Frank Jonny, *FCPA Demands Due Diligence in Global Dealings*, NAT'L L.J., Mar. 3, 1997, at 3 .

Lori Tansey, *Corporate Compliance Programs: International Implications*, 4 CORP. CONDUCT Q. 1 (1995).

FRANK VOGL, *ETHICS & COMPLIANCE IN A GLOBAL ECONOMY: MAKING THE CASE* (2000).

Health Care

DEPARTMENT OF HEALTH AND HUMAN SERVICES, *BUILDING A PARTNERSHIP FOR EFFECTIVE COMPLIANCE: A REPORT ON THE GOVERNMENT-INDUSTRY ROUNDTABLE* (Apr. 2, 1999).
available at <http://www.dhhs.gov/progorg/oig/modcomp/roundtable.htm>.

OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, *COMPLIANCE PROGRAM GUIDANCE* *available at*
<http://www.dhhs.gov/progorg/oig/modcomp/index.htm>.

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Thomas E Bartrum, Jr. & L. Edward Bryant, *The Brave New World of Health Care Compliance Programs*, 6 ANNALS OF HEALTH L. 51 (1997).

Pamela H. Bucy, *Health Care Reform and Fraud by Health Care Providers*, 38 VILL. L. REV. 1003 (1993).

Eric Kraeutler & Lisa Mathewson, *Corporate Compliance Programs for Health Care Organizations Take on a New Importance*, METRO. CORP. COUNSEL, June 1998, at 12.

Lewis Morris & Gary W. Thompson, *Reflections on the Government's Stick and Carrot Approach to Fighting Health Care Fraud*, 51 ALA. L. REV. 319 (1999).

Winthrop M. Swenson, *HHS 'Guidance' Reveals Government's Latest Thinking About Compliance Programs*, 12 ETHIKOS & CORP. CONDUCT Q. 1 (1998).

Labor and Employment

Joseph J. Fleischman, et al., *The Organizational Sentencing Guidelines and the Employment At-Will Rule as Applied to In-House Counsel*, 48 BUS. LAW. 611 (1993).

Richard S. Gruner, *The Impact of Compliance Programs on Employers' Sexual Harassment Liability*, 1165 PLI/Corp. 207 (2000).

Paul J. Siegel, *Cutting-Edge Developments in Compliance: Labor & Employment Law Issues*, 1230 PLI/Corp. 487 (2001).

Measurement and Assessment

Winthrop M. Swenson, *Measuring the Effectiveness of Your Company's Compliance/Ethics Initiatives*, 401 PLI/CORP 1057 (1998).

Linda Klebe Treviño, et al., *Managing Ethics and Legal Compliance: What Works and What Hurts*, 41 CAL. MGMT. REV. 1 (1999).

Gary R. Weaver, et al., *Corporate Ethics Programs as Control Systems: Influences of Executive Commitment and Environmental Factors*, 42 ACAD. MGMT. J. 41 (1999).

Privileges and Voluntary Disclosure

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Nancy Horton Burke, *The Price of Cooperating with the Government: Possible Waiver of Attorney-Client and Work Product Privileges*, 49 BAYLOR L. REV. 33 (1997).

John Calvin Conway, *Self-evaluative Privilege and Corporate Compliance Audits*, 68 S. CAL. L. REV. 621 (1995).

Brian C. Elmer & Ramona E. Romero, *Voluntary Disclosure Programs: Confession May be Good for the Soul, But is it Good for the Body Corporate?*, in CORPORATE COUNSEL'S GUIDE TO THE ORGANIZATIONAL SENTENCING GUIDELINES (William A. Hancock ed., Bus. L., Inc. 1995)

Ethics Resource Center Fellows Program, *Model Legislation on Employee Confidentiality and Non-Retributory Reporting Systems*, in COMPLIANCE MANUAL, PREVENTION OF CORPORATE LIABILITY (BNA/ACCA Dec., 1999); available at <http://www.ethics.org/fellows/confirpt.html>.

Michael Goldsmith & Chad W. King, *Policing Corporate Crime: The Dilemma of Internal Compliance Programs*, 50 VAND. L. REV. 1 (1997).

Michael Ray Harris, *Promoting Corporate Self-Compliance: An Examination of the Debate Over Legal Protection for Environmental Audits*, 23 ECOLOGY L.Q. 663 (1996).

Gerald Heller, *The Important But Murky Law of the Self-Critical Analysis Privilege*, 45 FED. L. REV. 51 (1998).

Benedict P. Kuehne, *Protecting the Privilege in the Corporate Setting: Conducting and Defending Internal Corporate Investigations*, 9 ST. THOMAS L. REV. 651 (1997).

Joseph E. Murphy & Ilise Feitshans, *Protecting the Compliance Audit*, 943 PLI/CORP. 667 (1996).

Jeffrey W. Nunes, *COMMENT: Organizational Sentencing Guidelines: The Conundrum of Compliance Programs and Self-reporting*, 27 ARIZ. ST. L.J. 1039 (1995).

Richard H. Porter, *Voluntary Disclosure to Federal Agencies – Their Impact on the Ability of Corporations to Protect From Discovery Material Developed During the Course of Internal Investigations*, 39 CATH. U. L. REV. 1007 (1990).

Utilities

Mike France, *Are Telecoms Discussing Compliance or Colluding? Companies Say they Share Information in An Effort to Ward Off Steep Penalties Under the Sentencing Guidelines*, NAT'L L.J., Jan. 30, 1995, at B1.

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Lawrence J. LaShomb, Jr., *Forming a Compliance Program at an Electric and Natural Gas Utility*, 5 CORP. CONDUCT Q. 25 (1996).

REPORTS and SURVEYS

AMERICAN SOCIETY OF CHARTERED LIFE UNDERWRITERS & CHARTERED FINANCIAL CONSULTANTS AND ETHICS OFFICER ASSOCIATION, *SOURCES AND CONSEQUENCES OF WORKPLACE PRESSURE: INCREASING THE RISK OF UNETHICAL AND ILLEGAL BUSINESS PRACTICES* (1997), *available at* <http://www.eoa.org/new.htm>.

AMERICAN SOCIETY OF CHARTERED LIFE UNDERWRITERS & CHARTERED FINANCIAL CONSULTANTS AND ETHICS OFFICER ASSOCIATION, *TECHNOLOGY & ETHICS IN THE WORKPLACE: THE ETHICAL IMPACT OF NEW TECHNOLOGIES ON WORKERS* (1998).

ETHICS OFFICER ASSOCIATION, *1997 ETHICS OFFICER ASSOCIATION 1997 MEMBER SURVEY*, (1997), *available at* <http://www.eoa.org/survey~1.pdf>.

ETHICS RESOURCE CENTER, *2000 NATIONAL BUSINESS ETHICS SURVEY*, *available at* <http://www.ethics.org/2000survey.html>.

ETHICS RESOURCE CENTER, *1994 NATIONAL BUSINESS ETHICS SURVEY*, *available at* <http://www.ethics.org/1994survey.html>.

Russell Mohkiber, *The Top 100 Corporate Criminals of the 1990s*, CORP. CRIME REP., Sept. 2, 1999.

PRICE WATERHOUSE, LLP, *TRANSPARENCY, INTEGRITY & GOOD GOVERNANCE: THE FOREIGN CORRUPT PRACTICES ACT AND RELATED INTERNATIONAL INITIATIVES TO COMBAT CORRUPTION* (1997).

PRICE WATERHOUSE, LLP, *1996 SURVEY OF CORPORATE COMPLIANCE PRACTICES* (1996).

F. JOSEPH WARIN, GIBSON, DUNN, & CRUTCHER, *CRIMINAL ANTITRUST PROSECUTIONS: 1994-1998, ANALYSIS AND COMMENTARY*.

ETHICS and COMPLIANCE WEB SITES

Government

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

United States Sentencing Commission

<http://www.ussc.gov>

United States Department of Defense Standards of Conduct Office

http://www.defenselink.mil/dodgc/defense_ethics/index.html

United States Office of Government Ethics

<http://www.usoge.gov/index.html>

Federal Inspectors General and Organizations

<http://www.ignet.gov/>

Department of Health and Human Services, Office of Inspector General

<http://www.dhhs.gov/progorg/oig/new.html>

United States Environmental Protection Agency, Investigative Discretion in Criminal Matters

<http://es.epa.gov/oeca/ore/aed/comp/acomp/a11.html>

United States Environmental Protection Agency, Compliance Assistance Centers

<http://es.epa.gov/oeca/main/compasst/compcenters.html>

Associations/Consortiums/Member Organizations

Association for Practical and Professional Ethics

<http://php.ucs.indiana.edu/~appe/home.html>

Business For Social Responsibility

<http://www.bsr.org/>

Defense Industry Initiative

<http://www.dii.org/index.html>

The Conference Board

<http://www.conference-board.org/>

University Programs and Institutes

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

University of San Diego: Ethics Updates

<http://ethics.acusd.edu>

Harvard University Program Center for Ethics and the Professions

<http://www.ethics.harvard.edu>

Ohio University of Institute for Applied and Professional Ethics

<http://www.cata.ohiou.edu/~iape/>

University of Pennsylvania-Wharton Ethics Professionals

<http://www.round.table.com/ethics/links/>

University of North Carolina at Charlotte–Center of Applied Ethics

<http://www.uncc.edu/colleges/>

University of Virginia-Olsson Center for Applied Ethics

<http://www.darden.virginia.edu>

International/Global

Australian Association for Professional and Applied Ethics

<http://www.arts.unsw.edu.au/aapae/>

Australian Competition and Consumer Commission

<http://www.accc.gov.au>

Canadian Centre for Ethics & Corporate Policy

<http://www.ethicscentre.com>

Caux Round Table

<http://www.cauxroundtable.org/>

European Business Ethics Network

<http://www.nijenrode.nl/research/eibe/eben/index.html>

Institute for Business Ethics at the University of St. Gallen

<http://www.iwe.unisg.ch/english/homepage.htm>

Institute for Global Ethics

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

<http://www.globalethics.org/default.html>

International Society of Business, Economics and Ethics

<http://www.synethos.org/isbee/default.htm>

Transparency International

<http://www.transparency.de/>

University of British Columbia Centre for Applied Ethics

<http://www.ethics.ubc.ca/>

Not For Profit Organizations

The Business Enterprise Trust

<http://www.betrust.org>

Center for Business Ethics, Bentley College

<http://ecampus.bentley.edu/dept/cbe/>

Council for Ethics in Economics

<http://www.businessethics.org>

Ethics Resource Center

<http://www.ethics.org/>

Ethics Officer Association

<http://www.eoa.org/>

Institute of Business and Professional Ethics at DePaul University

<http://www.depaul.edu/ethics/>

Markkula Center for Applied Ethics

<http://www.scu.edu/SCU/Centers/Ethics/homepage.shtml>

Minnesota Center for Corporate Responsibility

<http://tigger.stthomas.edu/mccr/>

Disclaimer: This bibliography is provided by Commission staff for general background information and public reference. It is not intended to be comprehensive, and does not represent an endorsement of the viewpoints expressed by the respective authors and entities, nor the official position of the United States Sentencing Commission. Neither the bibliography nor any of the information within the items referenced in the bibliography is binding upon the Commission, the courts, or the parties in any case.

Society of Business Ethics and Business Ethics Quarterly

<http://www.luc.edu/depts/business/sbe/>

The Josephson Institute

<http://www.josephsoninstitute.org/>

The Wharton Ethics Program

<http://rider.wharton.upenn.edu/~ethics/>

Woodstock Theological Center

<http://guweb.georgetown.edu/woodstock/index.html>